

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HEMATOPOIETIC PROGENITOR CELL GENE TRANSDUCTION

the specification of which [] is attached hereto or [X] was filed on May 28, 1999 as Application Serial No. 09/321,655 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

			Priority Claimed
<u>None</u>	<u>(Number)</u>	<u>(Country)</u>	<u>Yes</u> <u>No</u>
			<input type="checkbox"/> <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, Section(s) 119 and/or 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

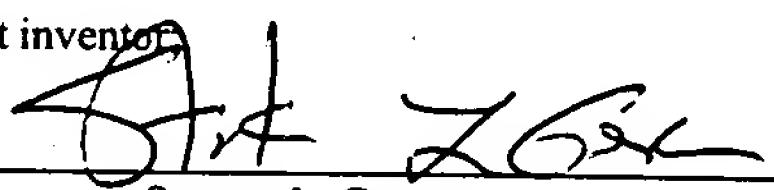
<u>60/087,284</u> <u>(Application Serial No.)</u>	<u>May 29, 1998</u> <u>(Filing Date)</u>	<u>Pending Provisional</u> <u>(Status – pending provisional, patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status – pending provisional, patented, pending, abandoned)</u>

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); William Squire (Reg. No. 25,378); Raina Semionow (Reg. No. 39,022); and Alan J. Grant (Reg. No. 33,389). Address correspondence and telephone calls to Elliot M. Olstein, Esq., c/o Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, NJ 07068 - (973) 994-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

Inventor's signature:



Stanton L. Gerson

Date:

Sept. 21, 1999

Residence: 2463 Snowberry Lane, Pepper Pike, OH 44124

Citizenship: US

Post Office Address: Same

#24691 v1 - Dec&PwrAtty-Osiris-304

RECORDATION FORM SHEET COVER
PATENTS ONLY

OMB No. 0651-0011 (exp. 4/94)

To the Honorable Commissioner of Patent and Trademarks:
Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Stanton L. Gerson

Additional name(s) of conveying party(ies) attached:

Yes No

2. Name and address of receiving party(ies):

Name: Case Western Reserve University

Internal Address: _____

Street Address: 10900 Euclid Avenue

City: Cleveland State: Ohio Zip: 44106-4937

3. Nature of conveyance:

Assignment Merger

Security/Agreement Change of Name

Other _____

Execution Date: September 21, 1999

Additional name(s) & address(es) attached: Yes No

4. Application number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) 09/321,655

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Raymond J. Lillie

Internal Address: Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein

Street Address: 6 Becker Farm Road

City: Roseland State: New Jersey Zip: 07068

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)....\$ 40.00

Enclosed

Additional fees, if any, authorized to be charged to deposit account

8. Deposit account number:

03-0678

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Raymond J. Lillie

Name of Person Signing

Signature

9/23/99

Date

Total number of pages including cover sheet, attachments, and document: 2

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, **Stanton L. Gerson**, hereby sells, assigns and transfers to Case Western Reserve University ("Assignee"), having a place of business at 10900 Euclid Avenue, Cleveland, Ohio 44106-4937, its successors, assigns and legal representatives, his entire right, title and interest for the United States and all other countries, in and to the improvements(s) known as: United States Application Serial No. 09/321,655 , filed May 28, 1999 , and/or executed on even date herewith and is entitled:

HEMATOPOIETIC PROGENITOR CELL GENE TRANSDUCTION

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all other countries on any of said improvements, and in and to all original, re-examined and reissued patents and extensions thereof which have been or shall be issued in the United States and all other countries on said improvements (hereinafter collectively, the "Improvements").

The undersigned further agrees that said Assignee may apply for and receive Letters Patent for said Improvements in its own name; and, when requested, without charge to but at the expense of Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on all such Improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known to the undersigned relating to said Improvements and the history thereof; and do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said Improvements and for vesting title to said Improvements and all applications for patent and all patents on said improvements in Assignee, its successors, assigns and representatives.

The undersigned hereby represents and warrants to Assignee, its successors, assigns and representatives that no assignment, grant, mortgage, license or other right or agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as expressed herein is possessed by the undersigned.

The undersigned hereby grants power to John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); William Squire (Reg. No. 25,378); Raina Semionow (Reg. No. 39,022), and Alan J. Grant (Reg. No. 33,389) to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document. Address correspondence and telephone calls to Raina Semionow, c/o Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068.

IN WITNESS WHEREOF, this Assignment is executed by the undersigned on the date(s) opposite their signature(s):

Inventor's Signature: Stanton L. Gerson
Stanton L. Gerson

Date: September 21, 1999

STATE OF Ohio, COUNTY OF Cuyahoga SS.: _____

Before me this 21st day of September, 1999 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

Carl P. B. Mahler, Jr.
Notary Public

CARL P. B. MAHLER II, Atty.
Notary Public, State of Ohio
My comm. has no expir. date
Section 147.03 R.C.

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN
6 Becker Farm Road - Roseland, NJ 07068 - (973) 994-1700

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER

OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

640100-304

DECEMBER 18, 1999

PTAS

CARELLA, BYRNE, BAIN, ETAL
RAYMOND J. LILLIE
6 BECKER FARM ROAD
ROSELAND, NEW JERSEY 07068



101161119A

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/27/1999

REEL/FRAME: 010274/0886
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GERSON, STANTON L.

DOC DATE: 09/21/1999

ASSIGNEE:

UNIVERSITY, CASE WESTERN RESERVE
10900 EUCLID AVENUE
CLEVELAND, OHIO 44106-4937

SERIAL NUMBER: 09321655

FILING DATE: 05/28/1999
ISSUE DATE:

PATENT NUMBER:

DATE RECEIVED: 11/10/00

DATES ENTERED:

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDSDOCKETED BY: fm
DATE: 11/10

10-04-1999

OMB No. 0651-0011 (exp. 4/94)



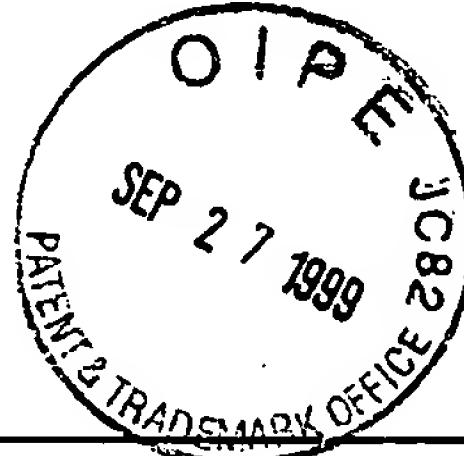
101161119

To the Honorable Commissioner of Patent and Trademarks:
Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Stanton L. Gerson

Additional name(s) of conveying party(ies) attached:

 Yes No

3. Nature of conveyance:

 Assignment Merger Security/Agreement Change of Name Other _____

Execution Date: September 21, 1999

4. Application number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) 09/321,655

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Raymond J. Lillie

Internal Address: Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein

Street Address: 6 Becker Farm Road

City: Roseland State: New Jersey Zip: 07068

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)...\$ 40.00

 Enclosed Additional fees, if any, authorized to be charged to deposit account

8. Deposit account number:

03-0678

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Raymond J. Lillie

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 2

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

10/01/1999 SARAYA 00000021 09321655

40.00 DP

#43PC6583

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, **Stanton L. Gerson**, hereby sells, assigns and transfers to Case Western Reserve University ("Assignee"), having a place of business at 10900 Euclid Avenue, Cleveland, Ohio 44106-4937, its successors, assigns and legal representatives, his entire right, title and interest for the United States and all other countries, in and to the improvements(s) known as: United States Application Serial No. 09/321,655 , filed May 28, 1999 , and/or executed on even date herewith and is entitled:

HEMATOPOIETIC PROGENITOR CELL GENE TRANSDUCTION

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all other countries on any of said improvements, and in and to all original, re-examined and reissued patents and extensions thereof which have been or shall be issued in the United States and all other countries on said improvements (hereinafter collectively, the "Improvements").

The undersigned further agrees that said Assignee may apply for and receive Letters Patent for said Improvements in its own name; and, when requested, without charge to but at the expense of Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on all such Improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known to the undersigned relating to said Improvements and the history thereof; and do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said Improvements and for vesting title to said Improvements and all applications for patent and all patents on said improvements in Assignee, its successors, assigns and representatives.

The undersigned hereby represents and warrants to Assignee, its successors, assigns and representatives that no assignment, grant, mortgage, license or other right or agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as expressed herein is possessed by the undersigned.

The undersigned hereby grants power to John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); William Squire (Reg. No. 25,378); Raina Semionow (Reg. No. 39,022), and Alan J. Grant (Reg. No. 33,389) to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document. Address correspondence and telephone calls to Raina Semionow, c/o Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068.

IN WITNESS WHEREOF, this Assignment is executed by the undersigned on the date(s) opposite their signature(s):

Inventor's Signature:



Stanton L. Gerson

Date: September 21, 1999

STATE OF Ohio, COUNTY OF Cuyahoga SS.:

Before me this 21st day of September, 1999 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.


Notary Public

CARL P. B. MAHLER II, Atty.
Notary Public, State of Ohio
My comm. has no expir. date
Section 147.03 R.C.

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN
6 Becker Farm Road - Roseland, NJ 07068 - (973) 994-1700